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10 Local 226

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDDY CHINCHILLA,

Plaintiff,

vs.

BELLAGIO, LLC,

Defendant.

CASE NO. 2:13-cv-01000-GMN-NJK

**DEFENDANT CULINARY WORKERS
UNION LOCAL 226'S MOTION TO
DISMISS [FRCP 12(b)(6) and 8]**

Defendant Culinary Workers Union Local 226 moves to dismiss the first amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) because it fails to state a claim upon which relief can be granted for breach of a collective bargaining agreement (first cause of action) and violation of the federal duty of fair representation (second cause of action); and pursuant to Federal Rule of Civil Procedure 8(a) because Plaintiff failed to allege the basis for federal jurisdiction. The motion will be based on this motion, the supporting memorandum, the declaration of Kristin L. Martin, and the pleadings and papers filed herein.

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1 Dated: March 5, 2014

/s/ Kristin L. Martin

2 Kristin L. Martin

3 McCracken, StemerMan & Holsberry

4 Attorneys for Defendant

5 Culinary Workers Union Local 226

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